

(6) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

**39. Relief that may be claimed by the petitioner.—**

A petitioner may, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claim a further declaration that he himself or any other candidate has been duly elected.

**40. Grounds for declaring elections to be void.—**

(1) Subject to the provisions of sub-section (2), if the court is of opinion—

- (a) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen as a councillor under this Act, or
- (b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent, or
- (c) that any nomination has been improperly rejected, or
- (d) that the result of the election in so far as it concerns a returned candidate, has been materially affected,—
  - (i) by the improper acceptance of any nomination ; or
  - (ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his election agent ; or
  - (iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void ; or

- (iv) by any non-compliance with the provisions of this Act or of any rules or orders made thereunder.

the court shall declare the election of the returned candidate to be void.

(2) If in the opinion of the court, a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice but the court is satisfied—

- (a) that no such corrupt practice was committed at the election by the candidate or his election agent and every such corrupt practice was committed contrary to the orders and without the consent of the candidate or his election agent ;
- (b) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election ; and
- (c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents.

then the court may decide that the election of the returned candidate is not void.

**41. Procedure to be followed by the court.**—The procedure provided in the Code of Civil Procedure, 1908, in regard to suits shall be followed by the court as far as it can be made applicable, in the trial and disposal of an election petition under this Act.

**42. Decision of the court.**—(1) At the conclusion of the trial of an election petition, the court shall make an order,—

- (a) dismissing the election petition ; or
- (b) declaring the election of all or any of the returned candidates to be void ; or